

Minutes of Special and Regular Meeting of December 14, 2010
One Twin Pines Lane

SPECIAL MEETINGS

CLOSED SESSION - 7:05 P.M.

- A. Conference with Real Property Negotiator Scoles pursuant to Government Code Section 54956.8: One Parcel: APN 045-244-010
- B. Conference with Legal Counsel pursuant to Government Code Section 54956.9(b), Anticipated Litigation, Significant Exposure to Litigation

Attended by: Attended by: Councilmembers Feierbach, Warden, Wozniak, Lieberman (not present for Item B), City Manager Scoles, Community Development Director de Melo, Finance Director Fil, City Attorney Zafferano, Redevelopment Agency Attorney Ramiza. City Clerk Cook was excused from attending.

ADJOURNMENT at this time being 7:50 P.M.

Terri Cook
City Clerk

This meeting was not tape recorded or videotaped

REGULAR MEETING
CALL TO ORDER 7:55 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Feierbach, Warden, Lieberman, Wozniak, Braunstein

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Scoles, City Attorney Zafferano, Finance Director Fil, Human Resources Director Dino, Police Chief Mattei, Community Development Director de Melo, Parks and Recreation Director Gervais, City Treasurer Violet, Deputy City Clerk Plut, City Clerk Cook.

REPORT FROM CLOSED SESSION (from November 23, 2010 and earlier in evening)

City Attorney Zafferano stated that at the Closed Session held following the Regular Meeting of November 23, 2010, the City Council voted to unanimously accept the donation of three properties on Alhambra Avenue. He noted that this action would be formalized at a future meeting. He stated that direction was given but no action taken on the Closed Sessions held earlier this evening.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Melissa Drago, Human Investment Project (HIP), presented the 2011 HIP Calendar. She described the contest wherein students from various communities submit artwork for use in the calendar. She noted that one of the winners is a student from the Belmont-Redwood Shores School District.

Councilmember Wozniak noted that she knows someone who found a roommate through HIP's house-sharing program.

Kathleen Beasley, Belmont Library, outlined programs to be held at the Library for the remainder of December. She stated that the Library was partnering with the Second Harvest Food Bank in trading food donations for library fines. She thanked the City Council and City staff for their support of the Library throughout the year.

David Long, Central Neighborhood Association President, stated that the Neighborhood Association Board will be hosting a high speed rail forum on January 12th.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Mayor Feierbach announced a meeting to be held regarding parking and traffic circulation near Carlmont High School on December 15th. She noted that the City is recruiting for a Public Works Director. She announced the upcoming closure of City Hall during the holidays.

Mayor Feierbach announced that tonight's meeting would be adjourned in memory of former City Council Member and Mayor Joe Zucca, who recently passed away.

Councilmember Braunstein announced that a former Carlmont High School student, Army Specialist Derek Simonetta, was killed in action in Afghanistan.

Gladwyn D'Souza, Belmont resident, commented regarding the Highway Safety Improvement Program (HSIP) funding for curb ramps, an item on the Consent Calendar. He thanked the City for addressing access issues, and requested that it also address obstructions on sidewalks that impede pedestrian traffic.

CONSENT CALENDAR

Approval of Minutes of Regular Meeting of November 9, 2010, and Special and Regular Meeting of November 23, 2010

Acceptance of Written Communication: CPUC Notification of PG&E's Application to Share Costs of California Solar Photovoltaic Manufacturing Development Facility

Motion to Receive Monthly Financial Reports

Approval of Resolution 10302 Authorizing the Belmont Police Department to Increase Municipal Code Parking Violation Fines to Reflect the Increase in State Fees

Approval of Resolution 10303 Approving the Filing of the Highway Safety Improvement Program (HSIP) Funding with the California State Department of Transportation for the Ralston Avenue Curb Ramp Project, Phase 2

Approval of Resolution 10304 Authorizing the Payment of \$9,000 to the State Water Resources Control Board for the Storm Water Pollution Prevention Annual Permit Fee

Approval of Resolution 10305 Authorizing the City Manager to enter into a Professional Service Agreement with RCC Consultants, INC. for an amount not to exceed \$7,530 to evaluate the AT&T proposal to modify an existing Telecommunication Facility located at 2130 Ralston Avenue

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Braunstein, the Consent Agenda was unanimously approved by a show of hands.

OLD BUSINESS

Consideration of an Appeal of the Planning Commission Decision Approving a Conditional Use Permit Amendment for the Koret Athletic Field for Notre Dame De Namur University (NDNU) At 1500 Ralston Avenue (Continued from October 26 and November 9, 2010) (Requires Ex Parte Contacts Disclosure)

Councilmember Lieberman stated that because he lives within 300 feet of the Notre Dame de Namur University (NDNU) property, he would need to recuse himself from this matter. He stepped off the dais and out of the room.

Councilmember Warden stated that he discussed this matter with Tom Snider with Belmont United Soccer Club (BUSC).

Mayor Feierbach stated that she discussed procedural matters only with Councilmember Warden. She noted that the Public Hearing has been closed, and that the City Council was in the deliberative portion of this issue.

Community Development Director de Melo stated that much information has been provided regarding this issue, and correspondence continues to be received. He noted that additional Council questions have been answered.

Mayor Feierbach stated that this is a difficult and challenging decision. She noted that the two issues to be addressed are to determine whether or not a CEQA review (California Environmental Quality Act) is required, and to assess the conditions outlined in the revised Conditional Use Permit (CUP).

City Attorney Zafferano explained that City staff and the Planning Commission determined that the CUP is categorically exempt from CEQA. He outlined the options available if the City Council determines that it is not exempt.

Councilmember Wozniak stated that some of the special events may not qualify as categorically exempt, and she would like further analysis of this.

Councilmember Warden stated that he has no issue regarding the athletic use of the field. Commencement would likely trigger the need for a CEQA review, but he recognizes that it is an existing event. He expressed concern regarding the ambiguity of the other special events and the impact of noise. He expressed support for Commencement and athletic field use only.

Mayor Feierbach expressed support for Commencement being the only permitted special event.

Councilmember Braunstein concurred that athletic events are categorically exempt. He questioned what would allow an exemption for special events.

Community Development Director de Melo noted that there is no specific information regarding the nature of the special events other than Commencement.

City Attorney Zafferano clarified that the City Council would need to make a finding that the special events are making a greater impact than if they were held elsewhere on the campus. He noted there is also a cumulative effect of the special events.

Councilmember Braunstein expressed the need for additional information regarding other special events.

Councilmember Warden noted that the City Council could send this matter back to the Planning Commission for additional review. He does not support the amended CUP as presented.

ACTION: On a motion by Councilmember Wozniak, seconded by Councilmember Warden, and unanimously approved by a show of hands to make a finding of categorical exemption from CEQA review only for Commencement as a special event (4-0, Lieberman recused).

Councilmember Warden expressed a desire to modify the condition regarding the future review period for the CUP. He noted that the City Council should hold the review, not the Planning Commission. He noted that the City has never revoked a CUP, and the CUP could be modified in the future.

Discussion ensued regarding future City Council review of the amended CUP. Discussion also ensued regarding the hours of operation of the field.

Councilmember Wozniak expressed the desire for seasonal differences in the hours of operation. She expressed a concern for the need for lights for winter hours. She supports setting time-certain hours.

Mayor Feierbach expressed support for operational hours of 8:00 a.m. to 6:00 p.m. during the week, and 10:00 a.m. to 5:00 p.m. on Saturday. She expressed the need for an easily enforceable condition.

Councilmember Braunstein expressed support for the hours as proposed. He noted that there is no need to delineate seasonal hours. If there are no lights, the field cannot be used.

Councilmember Warden noted that City parks are open sunrise to sunset. He expressed support for a 6:30 p.m. or 7:00 p.m. ending time.

ACTION: By a show of hands (4-0, Lieberman recused), Council approved the ending time on weekdays as 6:30 p.m.

Mayor Feierbach proposed the hours of 10:00 a.m. to 5:00 p.m. for Saturdays. Councilmember Wozniak noted that these hours conform to the construction ordinance.

ACTION: By a show of hands (4-0, Lieberman recused), Council approved Saturday hours from 10:00 a.m. to 5:00 p.m.

Councilmember Warden stated that the proposed Sunday hours are needed for youth athletics.

Councilmember Wozniak suggested 11:00 a.m. to 4:00 p.m. She stated that the hours would depend on whether or not there is amplification.

ACTION: By a show of hands (4-0, Lieberman recused), Council approved Sunday hours from 11:00 a.m. to 4:00 p.m.

Discussion ensued regarding the number of dark Sundays per month, as well as the University's athletic calendar. It was pointed out that Notre Dame High School also has permission to use the field.

Councilmember Warden stated that two dark Sundays would be a reasonable compromise. He also expressed support for a finite number of Sundays per year, with at least one dark Sunday per month.

Councilmember Wozniak expressed support for allowing a finite number of Sundays per month. She stated it is an issue of enforcement.

Mayor Feierbach expressed support for permitting two Sundays per month. She supports more use of the field by youth sports.

Councilmember Braunstein stated that there is not enough information to determine whether or not a reduction in the number of Sundays meets the needs of the University.

Judith Greig, NDNU President, explained that the NCAA schedules games. She noted there are usually four to six Sunday games in the fall and in the spring. She noted that NDNU and youth sports seasons coincide with each other. She clarified that NCAA can take any field restrictions into account when putting together the schedule. She noted that one school in the conference does not allow Sunday games.

Councilmember Warden explained that he is attempting to mitigate noise issues and provide space for youth sports and use by the University. He expressed support for two blackout Sundays per month.

Councilmember Braunstein expressed support for more playing time on the field.

ACTION: By a show of hands (4-0, Lieberman recused), Council approved two blackout Sundays per month.

Council concurred that the condition proposed by the appellants to limit the number of games that could be played on any day was not an appropriate condition.

Discussion ensued regarding holidays.

Councilmember Wozniak recommended matching the blackout holidays to the ones included in the construction noise ordinance.

Councilmembers Warden and Braunstein expressed support for the holidays as proposed.

ACTION: By a show of hands (4-0, Lieberman recused), Council approved five dark holidays, and Sunday hours for Labor Day and Presidents Day.

Discussion ensued regarding third party restrictions.

Mayor Feierbach recommended limiting the rental of the field only to those sports groups listed by the University. She expressed support for tournaments with out-of-area teams only when the University is the tournament sponsor. She noted that the sports camps would be subject to the new days and hours.

Councilmember Wozniak expressed a desire for additional restrictions on sports camps.

Discussion ensued regarding tournament play.

Judith Greig, NDNU, clarified that typically there is one tournament in-season, and one out-of-season, per sport. She further clarified that the three sports involved are men's and women's soccer, and lacrosse. She explained that NDNU is unlikely to host a championship tournament since it has no bleachers. She also noted that the scoreboard and air horn are not used during the youth sports camps.

ACTION: By a show of hands (4-0, Lieberman recused), Council approved the use of the field by Notre Dame de Namur University, Notre Dame High School, Belmont United Soccer Club, and AYSO Soccer.

ACTION: By a show of hands (4-0, Lieberman recused), Council approved youth sports camps during the months of May, June, and July, and during the hours specified in the amended Conditional Use Permit.

RECESS: 9:45 P.M.
RECONVENE: 10:00 P.M.

Discussion ensued regarding amplified sound.

Councilmember Wozniak stated that the issue is music, horns, and whistles, not kids playing on the field. There may be a need to review the position of the speakers.

Councilmember Warden concurred that the air horn is the biggest issue. He noted that NDNU should be allowed to use its field, and he expressed support for restricting the use of the air horn

for lacrosse only, and to muffle it if possible. He noted that there is also a need for ongoing dialog with the neighbors.

Council discussion ensued and Council concurred to limit the use of the air horn for lacrosse only.

Discussion ensued regarding pre-game amplified music.

Judith Greig, NDNU President, clarified that 30 minutes of music is played prior to games.

Councilmember Wozniak questioned the need for amplified music. Councilmember Warden stated that he wants to be fair to the students. Councilmember Feierbach expressed support for amplified music for NCAA games only. Councilmember Braunstein expressed the need for music as it is part of the game experience.

Discussion ensued regarding the methodology by which noise was monitored for purposes of the noise study. Discussion also ensued regarding the use of air horns, whistles, and other amplified sound.

In response to Councilmember Wozniak, City Attorney Zafferano clarified that if the CUP states that the use of Koret Field must be in compliance with the City's noise ordinance, and if the ordinance changes, the new ordinance would govern.

MEETING EXTENSION: At this time, being 10:30 P.M., on a motion by Councilmember Warden, seconded by Councilmember Braunstein, the meeting was unanimously extended for one hour by a show of hands (4-0, Lieberman recused).

ACTION: By a show of hands (4-0, Lieberman recused), Council approved the use of air horns only during the conduct of lacrosse games, and at the minimum length to conform to NCAA regulations. Council also concurred that the use of whistles are permitted during practice or games as necessary.

Council concurred to allow amplified announcements during the hours of use of the field permitted by the CUP.

Councilmembers Warden and Braunstein expressed support for live or recorded music before intercollegiate games.

Councilmember Wozniak noted that the University is located in a residential neighborhood, and she does not support the use of music.

Margaret Davis, Co-Appellant, clarified that the co-appellants support the use of recorded music for Commencement and 30 minutes before games.

ACTION: By a show of hands (4-0, Lieberman recused), Council approved the use live or recorded music and announcements as outlined in the amended CUP.

Discussion ensued regarding the narrative conditions of the CUP.

Mayor Wozniak suggested additional language to address the replacement of dead landscaping around Koret Field. Community Development Director de Melo clarified that the University is subject to compliance with the 2005 landscape plan. Councilmember Warden suggested enforcing the existing plan.

Community Development Director de Melo noted that all the trees are alive, and there is some question regarding the hedges. He noted that staff could inspect for deficiencies.

Council concurred to add the conditions to prohibit the installation of lights and to install signs that outline the permitted hours of operation of the field. Council also concurred that the City Council, not the Planning Commission, should review the new CUP in one year.

Mayor Feierbach stated that clarity is needed regarding the posting of the games schedule on the University's website.

Judith Greig, NDNU President, stated that a vast majority of the information posted is accurate, although there are sometimes rain and traffic delays that result in unknowns or last-minute changes. She noted that the schedule is posted but the University has been told it is inadequate.

Council concurred to request the University to post the calendar, including allowed uses.

Mayor Feierbach suggested that the University provide outreach meetings with the neighbors, similar to the successful program instituted by Notre Dame High School.

Judith Greig, NDNU President, stated that the University could manage this but that she does not want to be cited for missing a meeting.

Councilmember Warden stated he does not support this as a condition for the CUP. He concurs with the intent, but noted that the parties need to want to meet, and it should not be mandated.

Council concurred to recommend that the University initiate an outreach program. Mayor Feierbach suggested including the sports groups.

Councilmember Wozniak spoke regarding compliance issues. She noted that people stopped complaining because nothing was done when they complained, or they did not know they could complain. She recommended requiring a monthly report to the City Council, including information regarding complaints.

MEETING EXTENSION: At this time, being 11:30 P.M., on a motion by Councilmember Warden, seconded by Councilmember Braunstein, the meeting was unanimously extended for 30 minutes by a show of hands (4-0, Lieberman recused).

Discussion ensued regarding fines.

Mayor Feierbach recommended matching the fines with the administrative code enforcement citation schedule.

Councilmember Wozniak expressed a desire for a strict citation schedule, and to set a level at which suspension of the CUP is considered. She noted that if enforcement had been more aggressive, other issues would have likely been addressed, such as landscaping.

City Attorney Zafferano stated that staff, especially Police staff, needs some discretion regarding enforcement.

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Braunstein, and unanimously approved by a show of hands (4-0, Lieberman recused) this matter was continued to the regular meeting of January 11, 2011, to consider a resolution approving revised Conditions of Approval for the Koret Athletic Field Use.

Councilmember Lieberman returned to the dais.

NEW BUSINESS

Consideration of Preliminary Design Review for a Planned Development Rezoning, and Two Lot Subdivision for the Construction of Two Single Family Homes at 802 Miramar Terrace: APN(S): 044-211-090 & 145-140-410; Application. NO.: 2010-0043

This matter was continued at the request of the applicant.

COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS

Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments

Councilmember Lieberman noted that the December Belmont-San Carlos Fire Commission meeting was canceled.

Councilmember Wozniak stated that the new County tax was discussed at a recent C/CAG meeting.

Update on High Speed Rail

Community Development Director de Melo outlined upcoming events related to the high speed rail project. He requested that Council take action to confirm the addition of Dianne Keogh as the Green Advisory Committee member on the High Speed Rail Ad Hoc Committee.

Council concurred to add Dianne Keogh to the High Speed Rail Ad Hoc Committee.

Verbal report from City Manager

City Manager Scoles stated that City Hall Administrative offices would be closed from December 24th through the New Year weekend. He noted that construction hours would remain in effect. He announced that the South Bayside Systems Authority was scheduled to make a

presentation to the City Council in March. He announced that a grand opening for the Emmett House would take place sometime in February.

ADJOURNMENT at this time, being 11:45 P.M., in memory of Former Councilmember and Mayor Joe Zucca.

Terri Cook
City Clerk

Meeting Tape Recorded and Videotaped
Audio Recording 776